

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

SCOTTSDALE INSURANCE
COMPANY,

Plaintiff, Cross-defendant and
Appellant,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant, Cross-complainant and
Respondent;

COMMERCIAL UNDERWRITERS
INSURANCE COMPANY,

Defendant and Respondent.

B170163

(Los Angeles County
Super. Ct. No. BC258853)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on June 28, 2005, be modified as follows:

1. On page 13, lines 12 and 13, the following is deleted: “(*Mercury Ins. Co. v. Allstate Ins. Co.* (2004) 123 Cal.App.4th 1392, 1403.)”

2. On page 16, line 8, the following is deleted: “Plaintiff is to recover its costs on appeal.” In its place, the following is inserted: “The parties are to bear their own

costs on appeal.”

Commercial Underwriters Insurance Company’s petition for rehearing is denied.

SPENCER, P.J.

MALLANO, J.

ROTHSCHILD, J.